



PCT/A
IAP6 Rec'd PCT/PTO 29 SEP 2006

Attorney File Ref: 102792-133 (11256P3 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lamson NGUYEN et al.
Serial No.: 10/561,749
Filed: December 21, 2005
Examiner: To Be Assigned
Art Group: To Be Assigned
Title: **IMPROVED DISPENSING DEVICE**

BY FIRST CLASS MAIL

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 – 1450

Dear Sir:

RENEWED PETITION UNDER 37 CFR 1.47(A)

This paper is responsive to the *Decision* dated 13.September.2006 in the matter of the applicant's prior *Petition under 37 CFR 1.47(a)*.

The undersigned respectfully requests recognition of the satisfaction of the requirements for filing of an application in the USPTO pursuant to 37 CFR 1.47(a), 35 USC 118, notwithstanding the unavailability of the named joint inventor to sign the *Combined Oath, Declaration and Power of Attorney* in the application, and to permit the assignee, Reckitt Benckiser Inc., to continue prosecution of the application as successor in interest of the joint named inventor, Lamson Nguyen.

In pertinent parts of the *Decision*, the Office noted that “Item (2) has not been satisfied. The package was signed for by a “G. Nguyen” on 28 January 2006. ... However there does not appear to have been any follow up by letter or phone, with Mr. Nguyen regarding the communication.”

In order to support this *Renewed Petition*, the applicant encloses copies of the following further documents for additional consideration by the Office.

(H) A copy of the letter dated 31.March.2006 addressed to Lamson Nguyen at his last known mailing/residence address, which refers to the prior letter of 27.January.2006. This letter transmitted the application, a combined Oath, Declaration and Power of Attorney and a US Assignment for the present application, as well as for two further applications in which Lamson Nguyen was a named coinventor. These further applications were US Serial No. 10/509555 (Attorney docket: 102792-008) and US Serial No. 29/237433 (Attorney docket: 102792-481).

(I) A copy of a Federal Express receipt for delivery of the documents noted in (H) by Norris McLaughlin & Marcus, PA to named joint inventor Lamson Nguyen and proof of adult signature at Mr. Nguyen’s address accepting said documents on 03.April.2006.

(J) A copy of the letter dated 07.April.2006 addressed to Lamson Nguyen at his last known mailing/residence address, which refers to the prior letters of 27.January.2006 and 31.March.2006. This letter again transmitted the application, a combined Oath, Declaration and Power of Attorney and a US Assignment for the present application, as well as for two further applications in which Lamson Nguyen was a named coinventor, and indicated above with reference to (H).

(K) A copy of a Federal Express receipt for delivery of the documents noted in (J) by Norris McLaughlin & Marcus, PA to named joint inventor Lamson Nguyen and proof of adult signature at Mr. Nguyen’s address accepting said documents on 10.April.2006.

(L) A copy of a USPTO *Decision* relating to US Ser.No. 10/509555 granting applicant's *Petition under 37 CFR 1.47(a)* in that application.

The applicant, Reckitt Benckiser Inc., prays that this Petition be granted to avoid irreparable damage, e.g, loss of rights to its patent application, as well as potential loss of its rights to any patent(s) which may issue therefrom to the inventor's successor in interest. From the foregoing documents identified in (H) and (J), the undersigned had transmitted on plural occasions the same documents sent with the unanswered letter of 27.Jan.2006. Safe receipt of these documents is evidenced by documents (I) and (K) at the last known address of Lamson Nguyen. Mr. Nguyen has had several opportunities over several months to review the foregoing documents, and to return them with his signature had he been so inclined. The undersigned submits that his inaction in these matters evidences a pattern of willful refusal by the coinventor to sign the application documents and for that matter even to respond to the undersigned indicating refusal.

Additionally the undersigned points out that the USPTO has recently favorably ruled in the *Decision* submitted as (L) a petition on essentially the exact circumstances. In view of the foregoing and the documents submitted with this paper, the applicant believes that a sufficient showing has been supplied to permit Reckitt Benckiser Inc. to assume prosecution of the present US application in the stead of Lamson Nguyen.

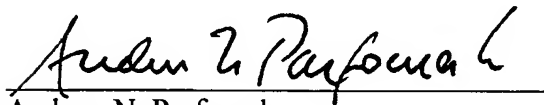
Favorable consideration of this *Petition*, and return to the normal course of prosecution is respectfully requested. It is respectfully requested that the *Combined Oath & Declaration and Power of Attorney* be admitted pursuant to 37 CFR 1.47(b) wherein the inventor relating to this US patent application cannot be reached. It is further respectfully requested that all claims to priority rights be recognized.

Authorization to Charge USPTO Deposit Account

Please charge the necessary *Petition* fee, as well as any further fees which may be required to ensure consideration and entry of this paper, and any of the enclosures thereto to USPTO Deposit Account 14-1263 in the name of Norris, McLaughlin & Marcus, P.A.

Should the Office believe that telephonic communication would advance the prosecution of the instant application, or should there be any question concerning this paper, the Office is invited to telephone the undersigned at the number given below.

Respectfully submitted,



Andrew N. Parfomak

Reg. No. 32,431

Norris, McLaughlin & Marcus, PA

875 Third Avenue, 18th Floor

New York, NY 10022



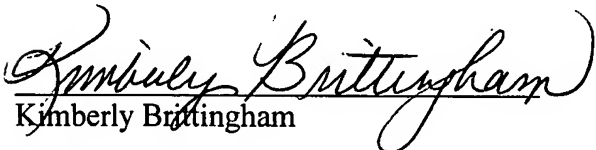
Date:

Tel: 212 808-0700

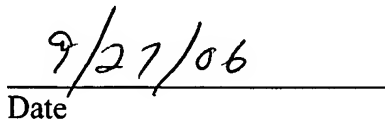
Enclosures – as indicated

CERTIFICATE OF MAILING

I certify that this document, and any attachments thereto, are being deposited with the US Postal Service with sufficient postage as First Class Mail on the date indicated above and are addressed to the: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."



Kimberly Brittingham



Date



NORRIS MCLAUGHLIN & MARCUS, PA

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VIA FEDERAL EXPRESS OVERNIGHT SERVICE., SIGNATURE REQUIRED

March 31, 2006

Mr. Lamson Nguyen
278 Maple Avenue
Somerset, New Jersey 08873

Re: Documents Requiring Signatures

Dear Lamson:

I note I never received a response to my prior letter of January 27, 2006.

I am enclosing a set of documents which, as you know, require your signature. I am reminded by Bob Hyde, Esq. of Reckitt Benckiser, Inc. that by virtue of your prior employment you were obliged to previously sign these documents, and there is a continuing obligation to sign the enclosed documents relating to inventions made during the term of your employment at Reckitt Benckiser, Inc. For your convenience, I have attached these documents in ordered sets relating to each identified application. Each document requiring your signature includes a small removable red flag which indicates where you should sign and, where necessary, date the document. I would ask that you use permanent blue ink in order to sign these documents. (Frequently, we are queried whether a black-ink signature is the genuine copy or a photocopy; using blue ink eliminates the possibility of such a mix-up.)

You will also find enclosed a postage-paid courier envelope which has been pre-addressed to my New York office. If you do sign the enclosed documents, I would very much appreciate it if you would merely return them to me in that postage-paid courier envelope.

Also, if for whatever reason you decline to sign these documents, notwithstanding the continuing obligations which I have mentioned above, I am enclosing a separate letter addressed to you which I ask that you review and sign, and return to me in the postage-paid envelope provided. I am unaware of any reasons which you may have for not cooperating in signing these documents, however, if you do decline to sign these documents, I would very much appreciate if you could at least sign this second enclosed letter and return it to me at my New York office.

If you have any questions regarding this request, or if you would just like to talk to me on any issue relating to the same, of course feel free to give me a call directly at my New York office, or alternately, send me an e-mail at anparfomak@nmmlaw.com.

Turning now to the documents, enclosed please find the following documents for your review and signature:

Reckitt Benckiser file 11006P1; NMM file 102792-008

U.S. Combined Oath, Declaration and Power of Attorney, having affixed thereto a copy of the application as filed on September 29, 2004 in the USPTO;
U.S. Assignment of Patent Application.

Reckitt Benckiser file 11256P3 US; NMM file 102792-133

U.S. Combined Oath, Declaration and Power of Attorney, having affixed there to a copy of the U.S. application as filed on December 21, 2005 in the USPTO;
U.S. Assignment of Patent Application.

Reckitt Benckiser file 11593D3 US; NMM file 102792-481

U.S. Combined Oath, Declaration and Power of Attorney, having affixed there to a copy of the U.S. application as filed on August 31, 2005 in the USPTO;
U.S. Assignment of Patent Application.

Lamson, I hope that you can find the time to review and execute the above-identified documents attached to this letter and return them to me as soon as is practicable.

Otherwise, as I indicated above, if for whatever reason you decline to execute these documents, then I would be personally very much obliged if you could return at least the further letter which I enclose using the postage-paid envelope provided.

Thank you very much for your time and consideration, and should you have any questions, please do not hesitate to contact me.

Very best regards,



Andrew N. Parfomak, Esq.

Enclosures – as indicated

cc: Robert A. Hyde, Esq./Reckitt Benckiser, Inc.



NORRIS MCLAUGHLIN & MARCUS, PA

ATTORNEYS AT LAW

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NEW YORK, NY 10022

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VIA FEDERAL EXPRESS OVERNIGHT SERVICE, SIGNATURE REQUIRED

March 31, 2006

Mr. Lamson Nguyen
278 Maple Avenue
Somerset, New Jersey 08873

I, Lamson Nguyen, acknowledge that I have received the following documents in a letter dated January 27, 2006 from Andrew N. Parfomak, Esq. acting on behalf of Reckitt Benckiser, Inc.

These documents include:

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U.S. Assignment of Patent Application.

I have reviewed the same, however I decline/refuse to execute these documents having been transmitted to me.

Lamson Nguyen

Date: _____



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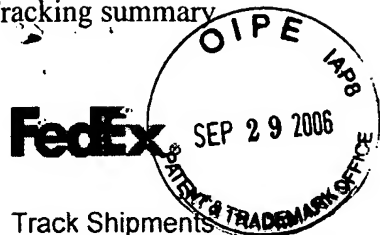
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Delivery date	Apr 3, 2006 10:04 AM	Service type	Priority Pak
		Weight	2.0 lbs.

Status Delivered

Date/Time	Activity	Location	Details
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	8:07 AM	On FedEx vehicle for delivery	BRANCHBURG, NJ
Apr 1, 2006	5:30 PM	At local FedEx facility	BRANCHBURG, NJ
	10:03 AM	Delivery exception	BRANCHBURG, NJ
	9:31 AM	On FedEx vehicle for delivery	BRANCHBURG, NJ
	7:58 AM	Departed FedEx location	NEWARK, NJ
	7:55 AM	At local FedEx facility	BRANCHBURG, NJ
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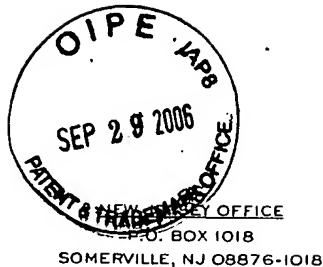
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<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
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TTT MERITAS LAW FIRMS WORLDWIDE

VIA FEDERAL EXPRESS OVERNIGHT SERVICE, SIGNATURE REQUIRED

April 7, 2006

Mr. Lamson Nguyen
278 Maple Avenue
Somerset, New Jersey 08873

Re: Documents Requiring Signatures

Dear Lamson:

I note I never received a response to my prior letters of January 27, 2006 or March 31, 2006, either.

I am enclosing a set of documents which, as you know, require your signature. I am reminded by Bob Hyde, Esq. of Reckitt Benckiser, Inc. that by virtue of your prior employment you were obliged to previously sign these documents, and there is a continuing obligation to sign the enclosed documents relating to inventions made during the term of your employment at Reckitt Benckiser, Inc. For your convenience, I have attached these documents in ordered sets relating to each identified application. Each document requiring your signature includes a small removable red flag which indicates where you should sign and, where necessary, date the document. I would ask that you use permanent blue ink in order to sign these documents. (Frequently, we are queried whether a black-ink signature is the genuine copy or a photocopy; using blue ink eliminates the possibility of such a mix-up.)

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If you have any questions regarding this request, or if you would just like to talk to me on any issue relating to the same, of course feel free to give me a call directly at my New York office, or alternately, send me an e-mail at anparfomak@nmmlaw.com.

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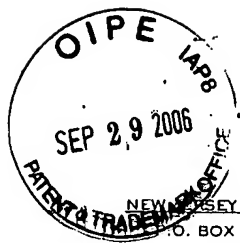
Very best regards,



Andrew N. Parfomak, Esq.

Enclosures—as indicated

cc: Robert A. Hyde, Esq./Reckitt Benckiser, Inc.



NEW JERSEY OFFICE
P.O. BOX 1018
SOMERVILLE, NJ 08876-1018

NORRIS MCLAUGHLIN & MARCUS, PA

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April 7, 2006

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278 Maple Avenue
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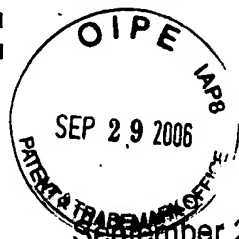
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Lamson Nguyen

Date: _____

SPOD Letter

Page 1 of 1



September 27, 2006

KIMBERLY BRITTINGHAM
NORRIS MCLAUGHLIN
875 THIRD AVENUE
NEW YORK CITY, NY 10022

Dear KIMBERLY BRITTINGHAM:

Our records reflect the following delivery information for the shipment with the tracking number 790877753551.

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G.NGUYEN

Signed For By:

Delivered to: 278 MAPLE AVE

Delivery Date: April 10, 2006

Delivery Time: 09:26 AM

Shipping Information:

Shipment Reference Information: 102792-481

Tracking No: 790877753551

Ship Date: April 07, 2006

KIMBERLY BRITTINGHAM
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MORRIS, McLAUGHLIN & MARCUS

875 Third Avenue
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New York, NY 10022

In re Application of :
BELANSKY et al :
U.S. Application No.: 10/509,555 :
PCT No.: PCT/GB03/01449 :
Int. Filing Date: 03 April 2003 :
Priority Date: 03 April 2002 :
Attorney Docket No.: 102792-008/11006P1 :
For: CLEANING APPARATUS AND :
METHOD FOR USING THE SAME :

DECISION

This decision is in response to applicants' petition Under 37 CFR 1.47(a) filed on 28 April 2006.

BACKGROUND

On 29 September 2004, applicant submitted papers to enter the national stage of PCT/GB03/01449. These papers included an unsigned declaration.

On 30 March 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 29 September 2004.

On 18 April 2005, a request for a corrected filing receipt was mailed.

On 03 August 2005, a request for a Notice of Missing Parts was filed.

On 28 April 2006, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by twelve of the thirteen named inventors and documentary evidence of correspondence sent to the nonsigning inventor with postal receipts.

DISCUSSION

A review of the subject application shows that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted on 29 September 2004. The declaration filed with the national stage papers was not signed.

Accordingly, the Form PCT/DO/EO/903 and filing receipt mailed 30 March 2005 were sent in error, and hereby VACATED.

In the papers filed 28 April 2006, applicant claims that one of the thirteen named inventors, Lamson Nguyen, refuses to sign the declaration and has filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

The \$200.00 petition fee has been paid.

Regarding item (2), the 37 CFR 1.47(a) applicant included a list of the actions taken to obtain the signature of the nonsigning inventor in the petition. A letter requesting signature of the declaration was mailed to the last known address of Mr. Nguyen on 31 March 2006 along with a copy of the above-captioned patent application. A Federal Express tracking report indicates that the documents were delivered and received by M. Mai on 03 April 2006. Applicant was requested to return the executed documents as soon as possible. Another letter and copy of the subject application was mailed to the last known address of Mr. Nguyen on 07 April 2006 again requesting that the documents be returned as soon as possible. These documents were delivered on 10 April 2006 and received by G. Nguyen.

Applicants claim that no response has yet been received from the nonsigning inventor and concludes that Mr. Nguyen "had ample opportunity to review these aforesaid documents and notwithstanding these opportunities, continues to refuse to join in the above-captioned application."

Applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP which states, in part:

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

A review of the evidence submitted shows that the conduct of Mr. Nguyen

constitutes a refusal to cooperate.

As such, item (2) of 37 CFR 1.47(a) is satisfied.

The last known address of Mr. Lamson Nguyen is listed as:

278 Maple Avenue
Somerset, NJ 08873

Regarding item (4), the 37 CFR 1.47(a) applicant submitted declaration signed by twelve of the thirteen joint inventors on behalf of the nonsigning joint inventor. The residence, citizenship and mailing information for all inventors are listed. This declaration complies with 37 CFR 1.497(a) and (b).

Item (4) of 37 CFR 1.47(a) is also satisfied.

All requirements of 37 CFR 1.47(a) are complete.

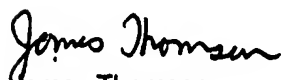
CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 April 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 April 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302